

environment. . . . We assess that al-Qaida's Homeland plotting is likely to continue to focus on prominent political, economic and infrastructure targets with the goal of producing mass casualties, visually dramatic destruction, significant economic aftershocks, and/or fear among the U.S. population.

These are the words written by the best intelligence analysts in our Government. Those are the words that should force our Government, both in the executive and in the legislative branches, to reevaluate the priority that we are giving to funding to stop terrorist attacks against this country, our country—my country, your country, our country.

I call on the President—yes, I call on the President of the United States—to reconsider his veto threat in light of the concerns raised by his own administration.

The mission of the Department of Homeland Security is critical to the safety of our citizens. The potential threats are enormous. The Congress must strike a balance that preserves our cherished freedoms and provides for enhanced security.

We need to stop squabbling and pass the Homeland Security bill for the President's speedy signature. This is no time to jockey for political points or to argue over minor differences. The Appropriations Committee, by a vote of 29 to 0, has produced a balanced and responsible bill which needs action now.

I thank Senator COCHRAN and his able staff for their support in producing this legislation.

I yield the floor.

Mr. COCHRAN. Mr. President, will the Senator yield for just one moment?

Mr. BYRD. I yield.

Mr. COCHRAN. Mr. President, I am pleased this afternoon to join Senator BYRD in presenting the appropriations bill for the Department of Homeland Security for the next fiscal year. I might say, having sat here and listened to all the comments of the distinguished chairman, there is another side to the story on some of the issues that he raised, and I assure the Senate that they will have an opportunity to hear the other side.

Mr. BYRD. Yes, Mr. President, I thank my dear friend and colleague. The Senate needs to hear the other side; all sides, all sides. I thank my colleague, and I yield the floor.

#### VOTE ON AMENDMENT NO. 2381

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2381, as modified, offered by the Senator from Massachusetts, Mr. KENNEDY. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

#### [Rollcall Vote No. 274 Leg.]

##### YEAS—93

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Inouye	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Craig	Lott	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dole	McCaskey	Wyden

##### NOT VOTING—7

Biden	Graham	Obama
Brownback	Johnson	
Dodd	McCain	

The amendment (No. 2381) as modified, was agreed to.

#### CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, on rollcall vote 273, I voted "yea." It was my intention to vote "nay." I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to amendment No. 2369, as amended, offered by the Senator from Oklahoma (Mr. COBURN).

The amendment (No. 2369), as amended, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 95, nays 0, as follows:

#### [Rollcall Vote No. 275 Leg.]

##### YEAS—95

Akaka	Dole	McConnell
Alexander	Domenici	Menendez
Allard	Dorgan	Mikulski
Barrasso	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Bunning	Hatch	Salazar
Burr	Hutchison	Sanders
Byrd	Inhofe	Schumer
Cantwell	Inouye	Sessions
Cardin	Isakson	Shelby
Carper	Kennedy	Smith
Casey	Kerry	Snowe
Chambliss	Klobuchar	Specter
Clinton	Kohl	Stabenow
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lott	Webb
Crapo	Lugar	Whitehouse
DeMint	Martinez	Wyden
Dodd	McCaskill	

##### NOT VOTING—5

Brownback	Johnson	Obama
Graham	McCain	

The bill (S. 1642), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:01 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2638, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CRAPO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized. (The remarks of Mr. BROWN are printed in today's RECORD under "Morning Business.")

Mr. BROWN. Mr. President, I yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

#### AMENDMENT NO. 2383

Mr. BYRD. Mr. President, on behalf of the Appropriations Committee, I call up a committee substitute which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. COCHRAN, proposes an amendment numbered 2383.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BYRD. Mr. President, this morning, I gave my opening remarks for consideration of the fiscal year 2008 Homeland Security appropriations bill. The Appropriations Committee, by a vote of 29 to 0, has produced a balanced and responsible bill which needs action now.

The bill includes significant resources for border security, for enforcing our immigration laws, and for improving security at our airports. We include significant new resources for implementing the SAFE Port Act. We also restore cuts in first responder grant programs.

I thank Senator COCHRAN and his able staff for their support in producing this legislation.

Just last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. I am going to quote from the report.

I will say that again so that the audience out there in the homeland will understand just exactly what is going on here.

Just last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. We are talking about the Bush administration's latest National Intelligence Estimate. I will quote from the report. Hear me, I am quoting from the report of the administration, the Bush administration, from its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. Hear me:

We judge the U.S. homeland will face a persistent and evolving terrorist threat over the next 3 years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the U.S. homeland and a continued effort by these terrorist groups to adapt and improve their capabilities. . . . [We judge that al-Qa'ida will intensify its efforts to put operatives here.

Let me say that again. Listen. Just last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. That is right here—not somewhere else—the U.S. homeland. And I will quote from this report from the Bush administration:

We judge the U.S. homeland will face a persistent and evolving terrorist threat over the next 3 years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the homeland and a continued effort by these terrorist groups to adapt and improve their capabilities. . . . [We judge that al-Qa'ida will intensify its efforts to put operatives here.

Not somewhere else—here. Those are the words that should force our Government, both in the executive and in the legislative branches, to reevaluate the priority that we are giving to funding to stop terrorist attacks against this country—our country, your country, my country. I look forward to a good debate.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished Senator from West Virginia in presenting the fiscal year 2008 appropriations bill for the Department of Homeland Security.

Mr. President, I appreciate very much the courtesies of the distinguished Senator from West Virginia and his staff and all members of the Appropriations Committee during our hearings and the preparation of this bill. We haven't agreed on everything, but this bill reflects our best effort to reach a fair resolution of our differences.

I had hoped, for instance, that we could have held the overall level of proposed spending to no more than the President requested in his budget that was submitted to the Congress earlier this year. I am pleased that the bill recommends approval of the President's budget request for border security and includes 3,000 new Border Patrol agents, \$1 billion for continued work on the virtual fence, and other

tactical infrastructure. Funding above the President's request is added to accommodate an additional 3,000 detention beds.

One of the consistent criticisms we hear about the Department is its challenges to hire the right people for the right jobs and to reduce its reliance on contractors. Unfortunately, the bill before us proposes to cut the human resource accounts significantly. These cuts handicap the Department in getting the right people into the right jobs to address many of the issues critics have complained about. We can all agree that the Department should be focused on hiring and retaining the best personnel it can.

Succession planning, diversity initiatives, performance management, and workforce relations are all critical issues. By underfunding the programs that are designed to meet these challenges, we run the risk of creating a cycle of unmet promises and potential. This Department is too important for that.

I must also express my concern that this bill restricts the obligation of funds in 10 instances. While I recognize this is within the power of the Appropriations Committee and is sometimes necessary, I think we have overdone it in this bill.

In three separate instances, this bill provides reductions in funding for the Deputy Secretary of the Department of \$1,000 per day if certain deadlines are not met. I would prefer to express our concerns in some other way and at least consider reasons that may have caused the deadlines to have been missed before automatically reducing appropriated accounts. I am equally frustrated with the Department's inability to meet deadlines Congress sets, and I expect the Department to meet statutory deadlines, but this approach is not workable.

The report accompanying this bill is harshly critical of the administration's handling of security at Federal facilities. These are Federal facilities which receive protection from the Federal Protective Service, and I do not agree with that. The Federal Protective Service has worked hard to rationalize its fee structure and its mission since joining the Department of Homeland Security. It has not yet finished the process. But the administration remains deeply committed to the safety and security of all Government employees.

The report accompanying this bill also criticizes the Department for legislation Congress has passed. It is unlikely that all Senators agree with all of the legislation that is enacted here, but to blame it on the executive branch agency charged with carrying out the law is hard to rationalize. It is unfair and it is wrong.

Last year, the Appropriations Committee worked very closely with the authorizing committees to craft a compromise on chemical site security language. Chairman BYRD's leadership last

year led to the enactment of a provision in the fiscal year 2007 act that will lead to regulating the chemical sector for the first time. I intend to continue to work with the chairman to ensure sufficient resources are provided to the Department so enforcement of these regulations is achieved.

I am pleased the committee is recommending nearly full funding for the Coast Guard's Deepwater recapitalization effort as well as support for the Transportation Security Administration, Federal Emergency Management Agency, and infrastructure protection. These are activities which are needed to continue to improve the security of our homeland, and generous funding is fully justified.

This bill comes to the Senate floor during a time when our intelligence community has judged that the Nation is, and I quote, "in a heightened threat environment." While there continues to be no credible specific intelligence to suggest an imminent threat, recent events in the United Kingdom serve to remind us of the very serious nature and the potential consequences of terrorist attacks.

I hope we can move expeditiously to pass this bill so that we can begin conference with the House.

Mr. President, earlier remarks today on the floor of the Senate may have suggested that the Department of Homeland Security isn't doing its job.

Well, today, this one day, the Department of Homeland Security will process more than 1.1 million passengers and pedestrians, including 680,000 aliens arriving at our Nation's airports and seaports.

Today, the Department will inspect more than 70,900 trucks and containers, 580 vessels, 2,459 aircraft, and 327,042 privately owned vehicles coming into this country. It will house and care for 19,000 aliens in detention facilities. It will screen approximately 2 million passengers and their 1.6 million pieces of checked baggage before they board commercial aircraft. It will make 63 arrests at ports of entry and 2,984 apprehensions between ports for illegal entry. It will intercept 27,000 prohibited items at airport checkpoints, including over 3,000 knives. It will train more than 3,500 Federal officers and agents from more than 80 different Federal agencies as well as State, local, tribal, and international officers and agents.

Today, the Coast Guard will save 14 lives, assist 123 people in distress, and respond to 12 oil and hazardous chemical spills.

Today, the Department of Homeland Security will naturalize more than 1,900 new citizens. It will conduct 135,000 national security background checks on those applying for immigration benefits. It will process 30,000 applications for immigrant benefits. It will help American parents adopt nearly 125 foreign-born orphans. The Department will help protect an additional 104 homes from the devastating

effects of flooding and protect dozens of high-profile Government officials, including Members of this body, the President, and the Vice President of the United States, visiting heads of state, and former Presidents.

This list of daily accomplishments provides just a sample of the important responsibilities and roles of the Department of Homeland Security. To accomplish these responsibilities, this bill provides \$36.4 billion in discretionary spending and \$1.1 billion in mandatory spending for fiscal year 2008.

I must point out that this bill provides \$2.25 billion more in discretionary appropriations than the amount proposed by the President in his budget submission to the Congress. The bulk of the increase from the President's request level, \$1.8 billion, is devoted to increasing grants to States and localities. These proposed increases would come quickly on the heels of nearly \$300 million being added for grants contained in the Emergency Appropriations Act, which was enacted in May.

The 9/11 Commission Report warned about grant programs becoming entrenched as entitlement programs for State and local governments. We need to make a strong and successful effort to ensure that all funds we appropriate are fully justified.

Mr. President, I look forward to considering any amendments Senators may suggest to the bill and to continuing our work to ensure we produce a work product that will reflect credit on the Senate and provide the funds that are important to the carrying out of duties and responsibilities of the Department of Homeland Security for the next fiscal year.

Mr. BYRD. Mr. President, I thank my able friend from Mississippi, Senator COCHRAN, for his comments related to securing our chemical plants. He and I will work together—as we always have, as we always do—to ensure that the Department has the resources it needs to enforce the new chemical security standards.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we face extremely serious threats here at home, and that is why it is so important that the Senate pass the Homeland Security Appropriations bill that is now before us.

This bill is designed to help strengthen our security at the Federal level, at the State level, and at the local level. From our local firehouses and our police departments, to our borders, airports, and seaports, this bill will help our country be more secure and better able to respond to any disasters we may encounter.

This year, in his budget, President Bush sought to cut funding for first responders and for emergency planning. And, frankly, he failed to adequately fund border security and port security. But here in the Senate, we have a different view. We want to invest in our

security here at home, and we have written and signed a bill that I believe reflects the right priorities for this country.

Mr. President, I am honored to serve on the Appropriations Committee and on the Homeland Security Subcommittee under our distinguished chairman, Senator BYRD. No one cares more about the American people and no one has worked harder on this bill than Senator BYRD. Thanks to his efforts, and those of Senator COCHRAN, the bill that is before us passed our subcommittee unanimously, and it passed the full Appropriations Committee unanimously as well. That strong support we saw in both the subcommittee and full committee is really critical because the President has threatened to veto this bill. He thinks it spends too much on homeland security.

The President is welcome to make that argument, but in these times when we are facing terror threats and natural disasters, the American people want us to provide more support for homeland security, not less.

There are many very important investments in this bill. I wish to focus on three of them in which I have a special interest because I come as a Senator from a border State and my State has some of the Nation's busiest cargo ports, and I am an advocate for the local law enforcement, first responders, and emergency planners.

This bill will provide more resources for our border security. It actually provides an additional \$240 million for new immigration-related homeland security costs. Those costs are not funded in the President's bill. As we all work to step up enforcement at our borders, we have to provide the resources from the Federal Government. That is why this bill does that.

I am also especially pleased that this bill boosts our investment in port security. Over the years I have worked with all of the stakeholders to make our ports more secure. Last year, in fact, the Senate passed the Murray-Collins GreenLane bill, now known as the SAFE Ports Act. The President of the United States signed our bill into law but he did not provide adequate funding so we could carry out the provisions of that legislation. We have been working to fix that here in the Senate. We started in the supplemental bill that passed a few months ago, where we boosted funding for port security grants, hiring more customs inspectors. We are continuing that work with this bill by fully funding port security grants for the first time ever.

This bill provides \$60 million as well to create Coast Guard interagency operation centers. Those are centers that will allow the Federal Government, local governments, and State authorities to coordinate their efforts in maritime security.

The final part of this bill I want to quickly mention will be a tremendous help to our responders, to our emergency planners, and to our local law

enforcement agencies. In his budget the President cut the State Homeland Security Grant Program in half. This bill restores that cut. It is going to raise those State grants from the President's level of \$250 million to the appropriate level of \$525 million.

Our States and our cities have huge security needs and many of those needs go unmet today. I believe the Federal Government, which is in charge of our Nation's security, has a role in sharing that burden.

In addition, the budget of the President drastically cuts the Law Enforcement Terrorism Prevention Program. To me, that is out of touch with what our local law enforcement leaders at home are telling us they need. They are telling us they need more help, not less, so I am very pleased that in this bill we save that important program so it can continue to help our local law enforcement officials. This grant provides funds for antiterrorism to our first responders in each of our States. That is an area we have to strengthen, and we do so with the bill now before the Senate.

Given the strong support this bill got in subcommittee and in full committee, I am hopeful this Senate will pass it fairly quickly over the next several days by a wide margin. Then, of course, it will be up to the President to decide if the American people will get the security they deserve.

As I said a few minutes ago, President Bush has threatened to veto this bill because he says it spends too much on homeland security. Think about that for a minute. Our intelligence agencies warned us last Tuesday that al-Qaida is undiminished in its goal of attacking our homeland. What does the President say? He wants to cut funding for our first responders. That report found that al-Qaida is rebuilding its capabilities, its leadership is intact, and it continues to plan high-impact plots. That is what the President's NIE is telling us.

What is the President saying? Right now he wants to cut funding for our local antiterror efforts. Our intelligence experts "judge that al-Qaida will intensify its efforts to put operatives here," on our soil, here, but the President wants to cut funding to enforce our borders.

We have all this evidence we need to be more secure here at home and we have the President's budget that makes us less secure at home. If the President wants to veto this bill, he is going to have to explain to the American people why the police department down the street from you is going to be getting less support. He is going to have to explain why the fire station around the corner is going to get less help. He is going to have to explain why your community can't develop an emergency plan so they are prepared for any disaster that may occur. If the President plans to veto this bill, he is going to have to make the case to the American people.

I say I am proud of this bill, I am proud of the work of the committee, and I know it will help our communities take the steps they must to keep us all safe.

I urge all of our colleagues to quickly pass this bill, vote for it, and move it along the process so we can say we have done our part to make our communities more secure.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from West Virginia.

Mr. BYRD. Madam President, I want to thank and I do thank—I don't just want to say I want to thank, I do thank Senator MURRAY for her kind remarks. She has made important contributions. She always makes important contributions. And she has made important contributions to this critical legislation. Senator MURRAY has developed expertise in the field of homeland security, particularly with regard to port security.

Let me say that again. Senator MURRAY has developed expertise in the field of homeland security, particularly with regard to port security. That takes time, that takes effort, that takes work. You just don't develop expertise by rising on the Senate floor and saying "I've got it." No. It takes time, it takes labor, it takes toil, it takes work, it takes thought. Senator MURRAY has developed expertise in the field of homeland security. That is your security. That is my security. That is your security, I say to the people out there in the homeland, in the great mountains and valleys of this country.

Senator MURRAY has developed expertise in the field of homeland security, particularly with regard to port security. I have come to rely on her expertise and I look forward to her assistance as we process this very important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, the two legislators who bring this bill to the floor of the Senate are serious and thoughtful legislators. Senator BYRD and Senator COCHRAN have been around this place for some while. They have been on the Appropriations Committee. Both have chaired that committee. I am pleased to be here to support their work. I think this is a very important subcommittee and one that funds critically important programs for this country. But I want to say that unlike other subcommittees on Appropriations—one of which I chair and will hopefully bring that bill to the floor of the Senate—this subcommittee's actions and this subcommittee's product represent an urgency for this country. We probably don't say that about every subcommittee because we need to fund the things we need to do, but this is urgent. I want to describe why it is urgent.

I come from a small town of 300 people in the southwestern corner of my

State. I was thinking as I was sitting here waiting to speak, this is called homeland security. If, in fact, this were a decision and deliberation by my hometown and the subject was hometown security and we knew what the most serious threat to our town was, we would go find that threat and try to eliminate it.

I want to tell you why I believe it is an urgent circumstance to pass this legislation. My colleague from Washington described the National Intelligence Estimate of last week. I am going to talk about that just a bit before I talk about the funding of the accounts in this legislation that is so important to fighting terrorism—that is providing security for our ports and security in aviation, law enforcement, border protection, and so on.

Last week the National Intelligence Estimate was provided to us, both in a classified and an unclassified version. Here is what it said, in part:

Al-Qaida is and will remain the most serious terrorist threat to the homeland . . . we assess the group has protected or regenerated key elements of its homeland attack capability, including: A safe haven in the Pakistan federally administered tribal areas, operational lieutenants, and its top leadership.

Let me say that again. The National Intelligence Estimate says to us the greatest threat, the most serious terrorist threat to the homeland—that means the most serious threat to the United States of America and to our homeland—is an organization called al-Qaida. They have protected or regenerated key elements of their homeland attack capability, including a safe haven in the Pakistan federally administered tribal areas.

That is a different subject on which I spoke about recently. There ought not be 1 square inch of ground on this planet that would be safe for Osama bin Laden and al-Qaida. Six years after 9/11, there ought not be 1 square inch on this entire planet Earth that is a safe haven or protected secure hideaway for the greatest or most serious threat to our country.

This should not be a surprise to us, the National Intelligence Estimate. We have been reading the accounts. This is from June 26, Jonathan Landay from the McClatchy Bureau:

While the U.S. presses its war against insurgents linked to al-Qaida in Iraq, Osama bin Laden's group is recruiting, regrouping and rebuilding in a new sanctuary along the border between Afghanistan and Pakistan, senior U.S. military and intelligence and law enforcement officials said. The threat from the radical Islamic enclave in Waziristan is more dangerous than that from Iraq, which President Bush and his aides call the central front in the war on terrorism, said some current and former U.S. officials and experts.

A month or two prior to that, senior leaders of al-Qaida operating from Pakistan over the past year have set up a band of training camps in tribal regions near the Afghan border, according to American intelligence and counterterrorism officials. American officials said there was mounting evidence

that Osama bin Laden and his deputy al Zawahiri had been steadily building an operations hub in the mountainous Pakistani tribal area of north Waziristan.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. BYRD. What does this mean, that the Senator just said? Tell us.

Mr. DORGAN. Mr. President, it means if the most serious threat to our country exists from a terrorist organization that has rebuilt and regenerated its capability to attack us in our homeland—and that is what our National Intelligence Estimate tells us—it means homeland security is ever more important and the investments in that homeland security, in the accounts such as port security, aviation security, border security, are so unbelievably important. That is why I called this bill “urgent.” There is an urgency about passing this bill because of this serious threat.

Mr. BYRD. And what is this bill?

Mr. DORGAN. This bill is the Homeland Security Appropriations bill which provides the kinds of protections that we need for the threats and attacks against our homeland. When I describe what the National Intelligence Estimate last week said was the most serious threat to our country, I described that that threat comes from those who will attempt to cross our borders. Therefore, this bill has border security.

Mr. BYRD. Yes.

Mr. DORGAN. That threat may come from those who might try to board airplanes.

Mr. BYRD. Yes.

Mr. DORGAN. That is addressed by the issue of aviation security. That threat may come from someone nailing themselves into a container with food and telephones and a heater—

Mr. BYRD. Yes.

Mr. DORGAN. As we heard happened before, and was shipped into a port in this country in the middle of a container ship with a weapon of mass destruction or some other device by which they can attack this country. That is why this legislation of this Appropriations subcommittee contains port security. That is why there is an urgency about all of these issues.

Mr. BYRD. Madam President, will the Senator yield?

Mr. DORGAN. I am happy to yield further.

Mr. BYRD. Say that again, will you please, Senator. I want the people of America to hear what you just said.

The point is very simple. There is an urgency in this appropriations subcommittee bill that I think is beyond the importance of other bills. Why? Because we have been told in recent weeks there is a gut feeling on the part of the person who heads our Homeland Security Agency that we may be attacked again.

We have been told by the National Intelligence Estimate that the al-Qaida

organization has reconstituted and regenerated itself and is the most serious threat to attack the homeland of the United States of America. If that is the case, and we have been warned—let me describe, again, the August 2001 Presidential daily briefing was headlined this: “Bin Laden Determined to Strike in the U.S.”

That is what the President received in August of 2001.

Mr. BYRD. Now, you say the President. What are you talking about?

Mr. DORGAN. The President of the United States, in August 2001, received this Presidential daily briefing with this title: “Bin Laden Determined to Strike in the U.S.”

My point is, in July 2007, nearly 6 years later, July 2007, the intelligence assessment from the U.S. National Counterterrorism Center says this: “Al-Qaida better positioned to strike in the West.”

Nearly 6 years later, those who attacked our country and murdered thousands of innocent Americans, we are told by those who provide the intelligence for this country that they are in a better position now to attack this country in its homeland.

Mr. BYRD. Senator, I think that is worth hearing again. I want the American people to hear what you have said.

Mr. DORGAN. Let me say it in a different way, concluding in the same manner. I am not, with this, describing one person, one organization, one philosophy at fault. I am saying there is something wrong with respect to what I think is a failure here, that is a significant failure, part of which I hope and believe can be remedied by the bill that has been put together by Senator BYRD and Senator COCHRAN, dealing with homeland security.

It has been almost 6 years since the terrorists attacked this country on 9/11/2001. After almost 6 years and two wars in two countries and well over half a trillion dollars spent at home and abroad, the deaths of thousands in our military and the wounding of tens of thousands in our military, after all that period of time, we are told there is a sanctuary, a safe haven, a safe harbor for the leaders of the greatest threat to this country, the leaders of al-Qaida.

My point is, there ought not be anywhere safe on the face of this planet. If the greatest threat to our country exists in the leadership of this organization that is rebuilding training camps and terrorist training camps, then we have done something wrong. We must, as the Senator from West Virginia and the Senator from Mississippi suggested in this bill, we must rebuild our capabilities to defend ourselves against an attack on our homeland.

But even as we do that, we must rededicate ourselves as a country to save the first and most important job, the first and most important effort, to go after and eliminate the terrorist threat. I mean, it gets back to the debate we have had with—I respect other people's views on this, but we are going

door to door in Baghdad with our soldiers in the middle of sectarian violence or a civil war when, in fact, the greatest threat to our country is in the hills somewhere between Afghanistan and Pakistan, building training camps and having the greatest capacity to attack our homeland because they have regenerated their strength.

In my judgment, that is a failure. So we have to rededicate ourselves on two points. No. 1, I believe we have to find a way to extract ourselves from the civil war in Iraq. Yes, we need to continue to do several things in force protection for our forces, training the Iraqi security and Iraqi police and Iraqi soldiers for Iraq's security, and also taking on the areas in Iraq where al-Qaida does exist.

But what is principally happening in Iraq is not about al-Qaida and terrorism, what is principally happening in Iraq is about sectarian violence and a civil war. My point is, we ought to see if we cannot make sure that we will change the policies in this country and begin to start fighting terrorists first.

That ought to be the priority. If the terrorists, al-Qaida, Osama bin Laden and their leadership, represent the greatest threat to this country, then why is that not the process by which we fight terrorists first? Instead, we are bogged down going door to door in Baghdad. Well, here is what we have. We have a piece of legislation on the floor of the Senate now that deals with homeland security.

We want homeland security, we want it to succeed. We want to be safe and secure with the ways to do that. One is to do what we have done and try to strengthen our ports, strengthen aviation, strengthen our borders. The legislation that has been brought to us today does all of that and more. This has money for mass transit security. Well, that is critically important. We know the danger and the potential danger to our subway systems, as we have seen in London with terrorist attacks.

Port security. We have had discussions on the floor of this Senate that go on and on and on, but we have these ships that come into our ports with giant containers. We are going to spend, I think in the appropriations bill on defense, we are going to spend \$10 to \$11 billion to try to provide an electronic catcher's mitt for intercontinental ballistic missiles armed with nuclear warheads.

So if we can create a catcher's mitt of some type, or hit a bullet with a bullet when an ICBM is coming in with a nuclear warhead, we are going to spend \$10 to \$11 billion to try to solve that problem. The more likely attack with a nuclear weapon is a ship, a container ship, pulling up to a port at 3 to 4 miles an hour, pulling up at the dock of one of America's major cities with a container right smack in the middle of the ship containing a weapon of mass destruction. That is the most likely threat against this country. We are not spending \$10 or \$11 billion to deal with that.

I went to a seaport once. In fact, I went to a seaport in Seattle, WA, because I do not know much about seaports. I come from a State that is not boundaried by water. So I wished to see what security was like at the seaport.

One of the things I remember from that visit was they had opened a container. Now, they do not open very many. I believe we have something akin to 11 million containers come into this country on container ships, 11 million containers. I believe it is somewhere around 3 to 5 percent are inspected, and 97 or 95 percent are not inspected.

They opened the container. It was a refrigerated container. I was kind of curious. So I looked at the back of it. There it was, 100-pound bags of broccoli from Poland. I said: Well, I see now this is a giant container full of frozen broccoli from Poland. I can see now that because you opened the door in the back and you have cut open a couple of bags.

I said, what is the middle of this container? I see what is in the back. What is deep in the middle of this container?

Well, we do not know that. We assume it is frozen broccoli. We pulled some bags out to make sure there was broccoli in this container. But the fact is, they did not check that, they could not check it. So millions of containers come in and they are not checked.

Now we have what amounts to kind of a CAT-scan device for big trucks and containers, very expensive, but it is kind of like a CAT scan for your body; you run it past the container and you can see right through the container and see what is in it. It is very expensive, very difficult to get done on 11 million containers. The same is true for air cargo. We have a Herculean task to protect this country against those who are perfectly willing to kill themselves, as long as they can kill many innocent people. This is a very difficult proposition.

So again, I say to the chairman and ranking member on the subcommittee, I think they have done a terrific job. I deeply appreciate their work. I share the comments of my colleague, Senator MURRAY from Washington, about it, with respect to border protection and the Coast Guard and all those issues they have had to deal with, without unlimited money. The fact is, we have some limited funding.

Mr. BYRD. Who is the chairman and ranking member?

Mr. DORGAN. Well, the chairman of the subcommittee is the Honorable Senator BYRD from West Virginia, and the ranking member, of course, is Senator COCHRAN from Mississippi.

Let me say to both of them, if they do not mind my saying it, at a time when there is all this discussion in the newspapers about nobody gets along, things have deteriorated in the Senate, the fact is, I think the evidence exists all across this Senate Chamber, it exists certainly with the Senator from West Virginia, Mr. BYRD, and Senator

COCHRAN, that they not only get along, they work together. They have put together a terrific piece of legislation.

That is called cooperation. There is a lot of it in this Chamber, particularly on the Appropriations Committee, which makes me proud because I think that is the way the Senate ought to work.

Now, if you will permit me, however, if the Senator from West Virginia and the Senator from Mississippi will accommodate me for one additional moment while I say wonderful things about their work, I do wish to make a cautionary comment about FEMA because we are funding FEMA to the tune of \$6.89 billion in this legislation. I am a big fan of FEMA—used to be a big fan of FEMA, I should say. I am not anymore. I hope and pray that maybe it gets its act together. It does not appear to me it is quite there yet.

But in my State, we evacuated, 10 years ago, an entire city, the largest mass evacuation since the Civil War, when Grand Forks was flooded and then had a fire in the middle of the flood, and a city of nearly 50,000 people was evacuated because of the floods in the Red River Valley.

We had FEMA show up. Unbelievable, James Lee Witt and FEMA, they knew what they were doing. They were outstanding. Everybody believed they helped that community come back together and fight that flood and deal with the consequences and come roaring back. Ten years later, that is a great success story.

FEMA, regrettably, has, in my judgment, been part of the problem rather than part of the solution. We have natural disasters that occur in this country. Hurricane Katrina comes to mind. FEMA obviously was a disgrace with respect to—at least many in FEMA were disgraceful in the way they responded to that. I wish to tell the chairman and the ranking member of one example I discovered out of many examples.

I wish to tell you about it because as we fund FEMA—and we must; we do not have a choice. When natural disasters strike, we have to have the funding to go to those folks, whether it is a hurricane or a flood or drought, we have to go to those people and say: You are not alone. This country is with you. This country wants to help you.

But I wish to tell you a story about what happened to FEMA, as I conclude. I was on the phone one day to a guy named Paul Mullinax. Paul Mullinax had a refrigerated truck in Florida. He was one of those truckers who responded when FEMA wanted to send ice down to the victims in the gulf. When Katrina hit and you had the evacuations and the dislocations and all that trouble, they needed ice. Paul Mullinax was a trucker with a refrigerated truck. So he contacted FEMA, as did thousands of others. He went to New York. He was told go to New York to pick up ice. So he went to New York to pick up some ice. He was told: Take

it to Missouri. When he got to Missouri, he was told: Take it to Mississippi. When he got to Mississippi, he sat there on the tarmac of an old military installation, along with over 100 other truckers. Here is a picture of Paul. This is actually Paul's route right here. New York to Missouri to Alabama, and then, here is a photo of Paul. He sat at a military installation in front of his truck for about 12 days.

Then he was told: I want you to take the ice back to Massachusetts. So ice, destined for the victims of Katrina, was picked up in New York, taken to Missouri, and then in this case Arkansas—excuse me, Alabama—and then it was offloaded in Massachusetts.

The reason I tell you that story right now is because that story ended last week. That ice—and by the way, it cost \$15,000 for the taxpayers to pay Paul Mullinax to pick up New York ice to take to the victims of Katrina, to go to Missouri, to Alabama and finally be told, after sitting there for 12 days, to go drive it to Massachusetts to offload it—that ice has now been stored for 2 years and this week was discarded by FEMA because they felt maybe after 2 years the ice was contaminated.

So the taxpayers took a bath. The storage of that ice was around \$20 million. The taxpayers took a bath. The victims never got the ice they needed. People such as Paul Mullinax, this guy here, said, after driving his truck all that distance: I got paid, but this was wrong for the American taxpayers. Somebody ought to answer for it.

I have spent 2 years trying to figure out who gave the orders on ice transport in FEMA. And you, by God, cannot find the answer. You cannot find the answer. I know many of the top people in FEMA were cronies, had nothing to do or no experience at all with dealing with disasters and emergency preparedness, who did not know anything about it. So the result was a complete breakdown. This is just one example.

In some ways I regret taking time during this debate, but when else? We are going to give FEMA \$6.9 billion. I want FEMA to work. I want us to be proud of FEMA. I don't want political cronies running it. I don't want someone like Paul Mullinax who hauls ice for victims to scratch his head and say: What on Earth has happened? Where has common sense gone? How is it I am told to pick up ice in New York and deliver to it Massachusetts, when it is supposed to be helping victims in Mississippi and Louisiana?

As we fund FEMA, I hope we will also do a lot of oversight in the authorizing committees because there is something fundamentally wrong. We all know that, and we need to fix it.

Mr. BYRD. Something wrong, yes.

Mr. DORGAN. Having said all that and given the requisite compliments to everyone on the floor—compliments I sincerely mean in this case—about a bill I believe is urgent, I hope we can move ahead. If there are amendments to the bill, I hope people will come and



offer them, that they will allow us to vote on them, that we won't have delay, and in the next couple of days we will demonstrate with this first appropriations bill that we can pass appropriations bills. We can do that because we will cooperate to get them done.

Mr. BYRD. Yes.

Mr. DORGAN. If we come to the floor in the next couple days and see delay on Homeland Security, I am going to be one disappointed person.

Mr. BYRD. Yes, sir.

Mr. DORGAN. Of all the bills, we ought to be saying: Let's lock arms and do this in a reasonable time; let's do this with the leadership of Senator BYRD and Senator COCHRAN.

Mr. BYRD. Let's do it.

Mr. DORGAN. I yield the floor.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD, the Budget Committee's official scoring of H.R. 2638, the Department of Homeland Security Appropriations Act for fiscal year 2008.

The bill, as reported by the Senate Committee on Appropriations, provides \$36.4 billion in discretionary budget authority for fiscal year 2008, which will result in new outlays of \$21.3 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$38.4 billion.

The Senate-reported bill is at its section 302(b) allocation for budget authority and \$10 million below its allocation for outlays. No points of order lie against the committee-reported bill.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

# H.R. 2638, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS, 2008

(Spending comparisons—Senate-Reported Bill (in millions of dollars))

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget Authority .....	\$1,131	\$35,308	\$36,439
Outlays .....	1,267	37,140	38,407
Senate 302(b) allocation:			
Budget Authority .....			36,439
Outlays .....			38,417
House-passed bill:			
Budget Authority .....	1,137	35,125	36,262
Outlays .....	1,270	36,872	38,142
President's Request			
Budget Authority .....	1,142	33,054	34,196
Outlays .....	1,272	36,537	37,809
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget Authority .....			0
Outlays .....			-10
House-passed bill:			
Budget Authority .....	-6	183	177
Outlays .....	-3	268	265
President's Request:			
Budget Authority .....	-11	2,254	2,243
Outlays .....	-5	603	598

THE PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2384 TO AMENDMENT NO. 2383

Mr. VITTER. Madam President, I ask unanimous consent to set aside the

pending amendment so I may call up amendment 2384.

The PRESIDING OFFICER. Unanimous consent is not required. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 2384 to amendment No. 2383.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow for expanded uses of funding allocated to Louisiana under the hazard mitigation program while preserving the goals of the program to reduce future damage from disasters through mitigation)

On page 69, after line 24, add the following:

## SEC. 536. PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (c), and notwithstanding any other provision of law, the President shall not prohibit the use by the State of Louisiana under the Road Home Program of that State of any amounts described in subsection (e), based upon the existence or extent of any requirement or condition under that program that—

(1) limits the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(2) waives the applicability of any limitation described in paragraph (1) for eligible homeowners who are elderly or senior citizens.

(b) PROCEDURES.—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to simplify the expedited distribution of amounts described in subsection (e), including—

(1) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by project type and geographic factors rather than on a structure-by-structure basis; and

(2) developing a streamlined environmental review process to significantly speed the approval of project applications.

(c) WAIVER.—

(1) IN GENERAL.—Except as provided in paragraph (2), in using amounts described in subsection (e), the President shall waive the requirements of section 206.434(c) of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), or specify alternative requirements, upon a request by the State of Louisiana that such waiver is required to facilitate the timely use of funds or a guarantee provided under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(2) EXCEPTION.—The President may not waive any requirement relating to fair housing, nondiscrimination, labor standards, or, except as provided in subsection (b), the environment under paragraph (1).

(d) SAVINGS PROVISION.—Except as provided in subsections (a), (b), and (c), section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts described in subsection (e) that are used by the State of Louisiana under the Road Home Program of that State.

(e) COVERED AMOUNTS.—The amounts described in this subsection are any amounts provided to the State of Louisiana because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under the hazard mitigation grant

program of the Federal Emergency Management Agency under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

Mr. VITTER. Madam President, this is an important amendment for the State of Louisiana. It would be not the whole solution but a significant part of the solution to a real problem—even a crisis—we have with our recovery from Hurricanes Rita and Katrina.

This Congress and, in fact, the American people have been enormously generous in terms of responding to the devastation of those storms. One of the best examples of that unprecedented generosity is the billions of dollars the American taxpayer, through Congress, sent to the devastated areas to help people who were wiped out and had enormous uninsured losses. At the time there was a big debate: Shouldn't these folks have had more insurance? Shouldn't they have done this or that?

Congress and the American people got it right, recognizing that the event was unprecedented and recognizing, in the case of Louisiana, that most of the losses were caused by the actual failures of Federal levees. The levees broke. They broke from underneath. They were inadequately engineered. That caused devastating losses to folks throughout the greater New Orleans area in particular.

The American people and Congress responded generously. In the case of Louisiana, most of that money went into what was called the Road Home Program to help compensate folks for enormous uninsured losses, up to \$150,000 per household. That is the good news. It was unprecedented generosity. Again, we say thank you for that.

The bad news is that months later, it was determined that appropriated money would not be enough and, in fact, the Road Home Program was running short because even more claims were coming in than had been anticipated and calculated. So there is a shortfall in the program which is at the very heart of our ongoing struggle to recover.

My amendment will not fix all of that shortfall, but it would fix a big part of it. It would be a big piece of the puzzle, a big part of the solution, without costing the Federal taxpayer any more money.

There is something called the Hazard Mitigation Program that is always involved when there are natural disasters. Because of the scope and size of the devastation of Hurricanes Rita and Katrina, following those storms, that Hazard Mitigation Program would send \$1.2 billion to Louisiana. We wish to use that money in the context of the Road Home Program to help meet that shortfall, to help bridge the gap, to help fund that program. However, there are some technical requirements under normal hazard mitigation rules that prevent us from doing that. My amendment would waive those few technical requirements so the hazard mitigation money, \$1.2 billion in this case, could

be used in the context of the Road Home Program to help bridge the gap, to help make people whole.

It is important and accurate that I underscore that these requirements are technical. They are things that are normal requirements of hazard mitigation, but nothing I am waiving with this amendment would go to the heart of the hazard mitigation purpose. Congress, in setting up the program, wanted to make sure funds would be used to mitigate hazards, to make sure the same sort of losses don't happen again, to build higher, better, stronger, smarter. Nothing in my amendment gets away from that fundamental intent. That is important because I don't want to get away from the mandate and neither do most people in the House or the Senate.

Again, I underscore, this amendment would help fund our Road Home shortfall, would not cost the Federal taxpayer any more money, would preserve and honor the intent of the Hazard Mitigation Program by making sure the funds went to true hazard mitigation, rebuilding higher and better and stronger and smarter, not simply allowing people to rebuild any way they could build before. What it would do is waive certain technical requirements to make all of this work. That is appropriate given the unprecedented scope, size, and nature of the disasters about which we are talking.

I urge all of my colleagues to look hard at the amendment and then support it, because this funding shortfall within the Road Home Program is a real impediment to our ongoing challenge and struggle to recover. This amendment would be a major piece of the puzzle to solve the problem without costing the Federal taxpayer any more money and without throwing out the window the very significant and smart focus of the Hazard Mitigation Program. It would make us build smarter and stronger and higher but still help get people back, make them whole, rebuild through the Road Home Program.

I yield the floor.

#### MOMENT OF SILENCE

The PRESIDING OFFICER. Under the previous order, the Senate will now observe a moment of silence in memory of Detective John Gibson and Officer Jacob Chestnut who lost their lives on July 24, 1998, protecting the men and women who visit and work in this building.

(Moment of silence.)

The PRESIDING OFFICER. Thank you.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I have been watching the floor, and not much

is happening. What we are going to try to do now, with the consent of the two managers, is move to something the Republican leader has worked on for many years, and that is the Burma sanctions legislation. That will take about an hour. That will take us to 5 o'clock or thereabouts, if we do it right away. But in conferring with the two managers—this is an important appropriations bill—we want to get this thing to conference so that for any problems the White House has with it, they can weigh in and try to work this out so we can send the President a bill. So if we do not have amendments start coming in tonight or in the morning, we will move to third reading.

I have laid out, in as much detail as I could, alerting everybody what we need to do this work period. I think I am like most everyone. We have worked long and hard. We had one work period during this year that was 7 weeks long. We have worked hard. We have worked late nights. We have worked a couple of weekends. We worked all night last week. We have things we need to do at home in our States.

Speaking for this Senator, 90 percent of the people in the State of Nevada are in Reno and Las Vegas, but that makes up a relatively small part of the area of the State of Nevada. I have 10 percent of the people in the State of Nevada whom I also represent, and I need to visit with them. I have a wonderful trip scheduled this August to make a tour of places I do not have the opportunity to get to very much. With the rules changes we have made and the lack of air travel, I have to drive. I cannot take a train. There is no air travel. So I will drive around there. I am looking forward to it.

The reason I mention that is we have a lot to do when we go home in August. People have things to do, just as I do. But I told people we have to finish this Homeland Security appropriations bill. We have to complete SCHIP, which is a bipartisan bill. It was reported out of the Finance Committee 17 to 4. The two big cheerleaders we have for that legislation are Senators BAUCUS and GRASSLEY. We need to finish that. The 9/11 Commission recommendations conference, Senator LIEBERMAN informed me earlier today, should be completed very shortly, within a matter of hours. Then we have ethics and lobbying reform. We have to do that before we leave here.

I hope we can do all this by a week from Friday, but if we have a lot of delays, we cannot do that. I have said it a number of times, but we are going to finish that stuff before we leave. If there are insurmountable obstacles, one of the obstacles that is not insurmountable is to stay here until we get it done. So this is not a threat. I have indicated this is what we needed to do weeks and weeks ago.

So I hope we can have some cooperation. We need to get appropriations bills done. I had a conversation with

Josh Bolten today, the President's Chief of Staff. We are trying to figure out some way we can work together on this issue. I hope we can. One way we could start is to finish this bill.

One thing I didn't mention—it won't take a vote—but the Tuesday we get back here after the break, we are going to be on another appropriations bill. If we cannot get a motion to proceed agreed to, then we will file cloture on it and have cloture the day we get back.

I also telegraph my punches here, so there is no surprise; the next bill I want to move to is the VA-Military Construction appropriations bill. The subcommittee has changed a little bit from in the past, but my friend from Mississippi can remember when we used to do the Military Construction bill in wrap-up. There was no discussion on it at all. We know it has more jurisdiction than it had in the past. I chaired that Subcommittee on Military Construction for a while. It was really a good experience. You understand what our military leaders need. They have a process they go through to put on the drawing board what they would like, but we never give them everything they want. But, with rare exceptions, these are not just things we throw in; we work this out with the military. So that is what we are going to move to when we get back.

I laid out the schedule, and we have to move to third reading if we do not have some amendments here. We will wait until the morning. We should give everybody a chance.

Also, I say to the managers of this bill, I do not want to file cloture. I really don't want to file cloture. I hope on an appropriations bill we do not have to file cloture. Now, I know I cannot control unusual amendments on my side, and I know the distinguished former chairman and ranking member of this committee cannot control them on his side, but I hope it will not be necessary to have cloture as a result of amendments that have nothing to do with this very important piece of legislation.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, one of the things I did not do when I talked about the Burma sanctions bill—because I was so focused on the Republican leader—was to mention that working with him side by side on this legislation has been Senator FEINSTEIN. She has worked on this very much. So, again, this is something we can bring to the floor that is bipartisan. But I apologize for not mentioning her name because she has worked on this very long and hard herself.



I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. REID. Madam President, it is my understanding that the Senator from Virginia, Mr. WEBB, wishes to speak as in morning business for a period of time of up to—how long? It does not matter. I would like to know.

Mr. WEBB. I would estimate 10 minutes, Mr. Leader.

Mr. REID. Madam President, I ask unanimous consent that when the statement by the Senator from Virginia is completed—I ask the Senator from Virginia, would you rather complete your statement now? You are here ready to go; is that right?

Mr. WEBB. That is correct.

Mr. REID. Madam President, I ask unanimous consent that when the Senator completes his statement—when ever that might be in the next 10 or so minutes, but that be today—the Senate proceed to the immediate consideration of H.J. Res. 44, which was received from the House. I further ask consent that there be 30 minutes of debate equally divided between the two leaders or their designees and that following the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to a vote on passage, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, just briefly reserving the right to object, I was unclear if the majority leader was trying to get the Senator from Virginia up right now. I have a very brief statement related to the joint resolution we are proceeding to.

Mr. REID. Madam President, what I would suggest is—and I am sure my friend from Virginia would have no objection—the Senator from Kentucky, the Republican leader, would make his statement, and it would be made as if during the half hour's time. Would that be OK?

Mr. MCCONNELL. Yes.

Mr. REID. So you would make that now. I know you have things going on in your office.

Is that OK with the Senator from Virginia?

Mr. WEBB. It is certainly OK with me. Thank you.

Mr. REID. So I modify my request to let the Senator from Kentucky speak for however long he desires for up to 30 minutes on the Burma resolution; following that, we go to Senator WEBB. I ask unanimous consent that my consent request be approved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, parliamentary inquiry: Are we now on H.J. Res. 44?

The PRESIDING OFFICER. My understanding of the consent is that the Senator would speak against the half hour that was allotted on the resolution. Then we would go back to morning business briefly for a statement from Senator WEBB. And then we would return for the rest of the half hour of debate on the resolution the Senate will consider.

#### APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. REID. Madam President, I ask the clerk to report the resolution.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 44) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Madam President, this legislation continues the sanctions already in place against Burma's illegitimate Peace and Development Council. If enacted, these sanctions will continue to show the SPDC that the United States stands squarely with the long-suffering people of Burma and against its brutal regime.

Just last month, the International Committee of the Red Cross condemned the actions of the Burmese regime—a rare vocal stance for an organization that has historically worked to bring about change behind the scenes. The ICRC's statement, according to international observers, is the harshest it has issued since the Rwandan genocide more than 12 years ago.

Burma's sham reforms are not fooling the Red Cross and they should not be fooling anyone else. The SPDC recently resumed its so-called constitutional convention, a convention in which most delegates were selected by the regime itself and in which delegates are not allowed to offer draft changes without permission. Criticism of the draft constitution is prohibited by law. One notable provision in the draft forbids the spouse of a foreign national from sitting in Parliament, an addition clearly aimed at National League for Democracy leader and Nobel Peace Prize winner Aung San Suu Kyi, whose British husband died in 1999.

The SPDC calls the convention a "roadmap" to democracy. But on the SPDC's map, the destination is not freedom, it is tyranny.

Until the NLD and Burma's ethnic minorities are fully included in the governing process, until this process reflects true democratic principles, this convention should be shunned—shunned—by the international commu-

nity. A sham constitutional process is a step backwards, not forward.

With that said, there are some encouraging signs. International pressure on the Burmese regime has begun to increase. Members of the Association of Southeast Asia Nations have expressed concern about the SPDC's behavior, and much like the ICRC's condemnation, recent statements of ASEAN members represent a departure from traditional practice. Clearly, there is growing international impatience with the Burmese regime.

I am proud to say that the United States has long been at the vanguard of the movement to democratize Burma. Others, such as ASEAN, are following our lead. They are beginning to recognize the moral imperative to help the people of this beleaguered nation.

I am also proud of the continued unified stance taken by the Senate over the years with respect to Burma. On Monday, the Senate Finance Committee voted out this bill unanimously. The legislation has 60 cosponsors and once again enjoys broad bipartisan support.

I am pleased to be joined again by my good friend and cosponsor, the senior Senator from California, Mrs. FEINSTEIN. I also thank Rich Harper of her staff for all the hard work he has put forward to make this legislation possible. On the Republican side, my good friend Senator MCCAIN continues to use his respected voice to support the Burmese people.

It is time for the Senate, once again, to go on record and show that we stand with the people of Burma. As we do, we can be confident of their gratitude.

In a recent book on the plight of the Burmese people by author Emma Larkin, a Burmese man urges outside nations to keep the pressure on. "Change has to come from outside," he says. "The world must pinch Burma harder. . . . Give any money to these generals and it is like watching a poisonous plant grow."

Let's show that we stand for freedom and against oppression, for real democratic progress and against hollow promises of reform, against the poisonous plant that is the SPDC.

I urge my Senate colleagues to support adoption of this joint resolution.

Madam President, I ask for the yeas and nays for when we ultimately get back to the resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Madam President, I wish to address two issues this afternoon. Before I do, I say to the Republican leader that I will gladly support his